SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok **Thursday, 10th October, 2005** **No. 412**

HIGH COURT OF SIKKIM
GANGTOK

No.26/HCS/2005 **Dated:19.09.2005**

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim in consultation with the High Court of Sikkim hereby makes the following rules namely:-

1. Short title and commencement:-
   (1) These Rules may be called the Judicial Officers Leave Travel Concession and Home Travel Concession Rules, 2005.
   (2) They shall be deemed to have come into force on the 1st day of November, 1999.

2. Extent of application:-
   These Rules shall be applicable to the members of the Sikkim Superior Judicial Service and the Sikkim Judicial Service.

3. Eligibility:- An officer who has completed five years of continuous service on the date of the Journey to be performed by him/his family, is eligible.

4. Definition:-
   In these Rules, unless the context otherwise requires:-
   (a) " a place in India" will cover any place within the territory of India whether it is in mainland India or overseas;
   (b) " family means (i) the Judicial Officers wife or husband and two surviving unmarried children or stepchildren wholly dependent on the Judicial Officer;
   (ii) married daughters divorcees, abandoned or separated from their husbands and widowed daughters and are residing with the judicial Officer and wholly dependant on the Judicial Officer,
   (iii) parents and or stepmother
   (iv) unmarried minor brothers as well as unmarried divorced, abandoned, separated from their husbands or widowed sisters residing with and wholly dependant on the Judicial Officer.

EXPLANATION:-

1. It is not necessary for the spouse and children to reside with the Judicial Officer so as to

be eligible for the concession. The concession in their case shall however, be restricted to the actual distance travelled or the distance between the headquarters of the Judicial Officer and the hometown – place of visit which ever is less.

2. Children of divorced, abandoned, separated from their husbands or widowed sisters are not included in the term family.
3. A husband and wife is one unit for the purpose of LTC and hence the condition of dependency is not applicable.

(c) Home town means the town, village or any other place declared as such by the Judicial Officer.

(d) Shortest direct route shall have the same meaning so as to mean the shortest route to the destination through the available train, air or sea route.

4. Scope:-
The Leave Travel Concession and Home Travel Concession will cover the Government servant himself and his family.

5. Change of Hometown:-
The hometown once declared shall be treated as final. In exceptional circumstances where there is a change of hometown the Government servant may communicate such change in the form of declaration and once such change has been declared the same shall be treated as hometown.

6. Declaration of place of visit under Leave Travel Concession to any place situated in India:-
When the concession to visit any place in India is proposed to be availed of by a Judicial Officer or any member of his family the intended place of visit shall be declared by the Judicial Officer in advance to the controlling authority before the commencement of the outward journey. The declared place of visit may be changed before the commencement of the journey with the approval of the controlling Officer but it may not be changed after the commencement of the journey except in exceptional circumstances where it is established that the request for change could not be made before the commencement of the journey owing to circumstances beyond the control of the Judicial Officer.

7. Admissibility of Leave Travel Concession:-
The Leave Travel Concession shall be admissible to persons during any period of leave including casual leave.

8. Type of Leave Travel Concession:- (a) the Leave Travel Concession to hometowns shall be admissible irrespective of the distance between the headquarters of the Judicial Officers and his hometown once in a block of two calendar years.

(b) The Leave Travel Concession to any place in India shall be admissible irrespective of the distance of the place of visit from the headquarters of the Judicial Officers once in a block of four calendar years.

9. Leave Travel Concession can be availed of for self and family on different occasions, even in different calendar years of the same block.

(a) Members of the family can visit either the same place or different places, as visited by the Government servant.

10. Carry over of the Leave Travel Concession:-
A Judicial Officer who is unable to avail of Leave Travel Concession or Home Travel Concession within a particular block of two years or four years as the case may be, may carry forward the same

to the next block of two years or four years. Carry forward of Leave Travel Concession is not allowed beyond retirement and no cash payment in lieu of Leave Travel Concession shall be allowed.

11. Entitlement:-

(1) Judicial Officer of the rank of the District & Sessions Judge or its equivalent shall be eligible for journey by air and by rail where no air connection exists. Provided that journey by air to the nearest place of intended visit is permissible and the remaining portion of the journey may be completed either by rail or by road as may be the case.

(2) Judicial Officer of the rank of Chief Judicial magistrate and Civil Judge-cum-Judicial Magistrate or its equivalent shall be eligible to travel by AC two tier/AC 1st class/in Rajdhani/ Shatabdi Express or as may be available and where no rail connection exists by road or sea as may be the case.

(3) Journey by road:- A Judicial Officer shall be eligible to the reimbursement of cost of journey between places not connected by rail or air @ AC car/Deluxe AC Bus.

12. Reimbursement:- Fare of journeys between duty station and the destination for leave both ways shall be reimbursed by the Government in full.
Reimbursement under the Leave Travel Concession scheme shall not cover incidental expenses and expenditure incurred on local journey in any place. Claim for reimbursement of expenditure shall be submitted within three months after the completion of the return journey.

13. Grant of advance and adjustment thereof:-

(1) Advance may be granted to the Judicial Officer to enable him to avail of the concession. The amount of such advance shall be limited to 90% of the estimated amount, which the Government would have to reimburse in respect of cost of the journey both ways.

(2) The advance may be drawn for the outward and return journeys at the time of commencement of the forward journey.

(3) Wherein advance has been drawn by the Judicial Officer adjustment bill on the expenditure incurred shall be submitted within two months of the completion of return journey.

(4) All claim for reimbursement or adjustment of the bill shall be properly supported by voucher or document or ticket as may be the case.

14. Interpretation:-

If there is any doubt regarding any of the provisions in these Rules the matter shall be referred to the Governor in consultation with the High Court of Sikkim for decision and such decision of the Governor shall be final.

15. Power to relax:-

Where the authority is satisfied that the operation of any of these Rules may cause undue hardship in any particular case the authority may, by order for reason to be recorded dispense with or relax the requirements of that Rules to such extent as it may consider necessary for dealing with the case in a just and equitable manner.

BY ORDER OF HON'BLE THE CHIEF JUSTICE (ACTING)

S.W LEPCHA
REGISTRAR GENERAL